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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,791	01/22/2002	Katsuya Tsunogai	JP920000423US1	4276
45092 7590 12/12/2007 HOFFMAN, WARNICK & D'ALESSANDRO LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207			EXAMINER ALAM, UZMA	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/053,791	<b>Applicant(s)</b> TSUNOGAI, KATSUYA	
	<b>Examiner</b> Uzma Alam	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5 and 27-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

This action is responsive to the amendment filed October 2, 2007. Claims 3-5 and 27-36 are pending. Claims 1 and 2 are cancelled. Claim 3 is amended. Claims 3-5 and 27-36 represent a connection accepting system.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3-5 and 27-36 are rejected under 35 U.S.C. 103(a) as being anticipated by Bhoj et al. US Patent No. 6,742,016 in view of Roberts et al. US Patent No. 6,754,693. Bhoj teaches an invention as claimed including a method for accepting requests for a network application (see abstract). Roberts teaches a method for connecting to a server and fulfilling a request based on queue (see abstract).

As per claim 3, Bhoj teaches a server for accepting connection requests from client terminals through a network, comprising:

a connection-order setting unit [priority control module 61] which, upon receiving a first connection request from a first client terminal of said client terminals, sets an order of connection for said first client terminal; and

Art Unit: 2157

a connection managing unit [queuing module 62 and classification module 63] for allowing connection of said client terminals according to said order of connection, upon receiving a second connection request from a second client terminal of said client terminals after said first connection request (column 4, lines 16-26).

Bhoj does not teach wherein a program for automatically executing said second connection request again after a predetermined time interval [customer informed of the time can expect to be on-hold; column 1, lines 40-50; the calls are routed using various methods, such as...time of call, number of request presently in queue, among other items; column 5, lines 20-32; calls routed to a queue; column 15, lines 8-21, lines 61-67] is transmitted to said client terminal to which said order of connection has been. Roberts teaches wherein a program for automatically executing said second connection request again is transmitted to said client terminal to which said order of connection has been set (column 10, lines 7-38; column 16, lines 40-67).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display and time of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue through the server (Roberts, column 15, lines 62-63).

As per claim 4, Bhoj teaches the accepting server according to claim 3. Bhoj does not teach wherein data of said order of connection set by said connection-order setting unit is transmitted to said first client terminal; and

Art Unit: 2157

said first client terminal is caused to display connection-order information, based on said data client is notified of queue by the server.

Roberts teaches the accepting server according to claim 3, wherein data of said order of connection set by said connection-order setting unit is transmitted to said first client terminal (client is notified of queue by the server; column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1-10); and

said first client terminal is caused to display connection-order information, based on said data client is notified of queue by the server; column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1-10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue through the server (Roberts, column 15, lines 62-63).

As per claim 5, Bhoj teaches the accepting server according to claim 3, further comprising a connection-number monitoring unit [acceptor 53] for monitoring a number of connectable client terminals, wherein said connection managing unit allows connection of one of said client terminals which is highest in said order of connection, after acceptance of connection of a new client terminal has become possible, based on a number of connectable client terminals obtained by said connection-number monitoring unit (the parameter K is used to determine the number of requests sent to the queue; column 6, lines 40-67; column 7, lines 1-67).

Art Unit: 2157

As per claim 27, Bhoj teaches the accepting server according to Claim 3, further comprising: a maximum-connection-number setting counter for setting a maximum number of connections that can be connected simultaneously to the server (the look ahead parameter, Kmax is set; column 6, lines 48-67);

a connection-number counter for indicating a number of client terminals connected to the server (counting the number of requests received by the server; column 6, lines 4-39); and

a connectable-number counter for indicating a number of client terminals that can be connected to the server (the acceptor keeping track of the number of requests received; column 7, lines 51-67).

As per claim 28, Bhoj teaches the accepting server according to Claim 27, wherein the connection managing unit is configured to allow connection of one of the client terminals which is highest in the order of connection, after acceptance of connection of a new client terminal has become possible, based on the number of connectable client terminals indicated by the connectable-number counter (if there is space available in the premium queue, requests from the basic queue are sent; column 8, line 24-50).

As per claim 29, Bhoj teaches the accepting server according to Claim 28, wherein the connection managing unit is configured to allow the connection when the number of connectable client terminals indicated by the connectable-number counter is at least one (column 6, lines 1-47).

As per claim 30, Bhoj teaches the accepting server according to Claim 27, further comprising: a connection queue data holding section [priority queue 57]; and a connection-right acquired pool section [premium queue 57a].

As per claim 31, Bhoj teaches the accepting server according to Claim 30, wherein the connection managing unit is configured to allow the connection when the number of connectable client terminals indicated by the connectable-number counter is at least one (column 6, lines 1-47); and

wherein the connection managing unit is configured to not allow the connection when the number of connectable client terminals indicated by the connectable-number counter is less than one (column 6, lines 1-47).

As per claim 32, Bhoj teaches the accepting server according to Claim 31, wherein the connection managing unit is configured to issue a reference number to the client terminal whose connection is not allowed, the reference number indicating connection priority to the client terminal, and wherein the connection managing unit is configured to add the reference number to a connection queue in the connection queue data holding section (column 9, lines 1-49).

As per claim 33, Bhoj teaches the accepting server according to Claim 32. Bhoj does not teach wherein the connection managing unit is configured to send data associated with the reference number back to the client terminal. Roberts teaches wherein the connection managing unit is configured to send data associated with the reference number back to the client terminal.

Art Unit: 2157

See column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1-10.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue through the server (Roberts, column 15, lines 62-63).

As per claim 34, Bhoj teaches the accepting server according to claim 32, wherein the connection managing unit is configured to determine if there is a connection queue in the a connection queue data holding section, upon receipt of a notification to release a right of connection (priority queues 57 and acceptor 53; column 9, lines 20-65)

As per claim 35, Bhoj teaches the accepting server according to claim 34, wherein the connection managing unit is configured to decrement the number in the connection-number counter by one, in the case there is no connection queue (column 8, lines 24-62)

As per claim 36, Bhoj teaches the accepting server according to claim 34, wherein the connection managing unit is configured to transfer a reference number, highest in priority order, to the connection-right acquired pool section, in the case there is a connection queue (column 8, lines 24-62).



*Response to Arguments*

2. Applicant's arguments with respect to claims 3-5 and 27-36 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

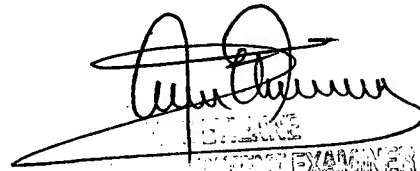
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam  
Ua  
December 3, 2007



Uzma Alam  
Patent Examiner  
Art Unit 2100